

Part 6

Speed Restrictions

41-6a-601 Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits -- Emergency power of the governor.

- (1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:
 - (a) approaching and crossing an intersection or railroad grade crossing;
 - (b) approaching and going around a curve;
 - (c) approaching a hill crest;
 - (d) traveling upon any narrow or winding roadway; and
 - (e) approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions.
- (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the following speeds are lawful:
 - (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;
 - (b) 25 miles per hour in any urban district; and
 - (c) 55 miles per hour in other locations.
- (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
- (4) A violation of Subsection (1) is an infraction.
- (5) The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Amended by Chapter 303, 2016 General Session

41-6a-602 Speed limits established on state highways.

- (1)
 - (a) The Department of Transportation shall determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.
 - (b) For each highway or section of highway, each speed limit shall be based on a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the "Manual on Uniform Traffic Control Devices."
 - (c) The traffic engineering and safety studies shall include:
 - (i) the design speed;
 - (ii) prevailing vehicle speeds;
 - (iii) accident history;
 - (iv) highway, traffic, and roadside conditions; and
 - (v) other highway safety factors.
- (2) In addition to the provisions of Subsection (1), the Department of Transportation may establish different speed limits on a highway or section of highway based on:
 - (a) time of day;
 - (b) highway construction;
 - (c) type of vehicle;
 - (d) weather conditions; and

- (e) other highway safety factors.
- (3)
 - (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not exceed 65 miles per hour.
 - (b) Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other limited access highway may not exceed 75 miles per hour.
 - (c)
 - (i) The Department of Transportation may establish a posted speed limit on a freeway or other limited access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is based on a highway traffic engineering and safety study.
 - (ii) If the Department of Transportation establishes a posted speed limit that exceeds the limit under Subsection (3)(b), the Department of Transportation shall evaluate the results and impacts of increasing a speed limit under this Subsection (3)(c).
 - (d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).
- (4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:
 - (a) the county for state highways in an unincorporated area of the county;
 - (b) the municipality for state highways within the municipality's incorporated area;
 - (c) the Department of Public Safety; and
 - (d) the Transportation Commission.
- (5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Amended by Chapter 137, 2016 General Session

41-6a-603 Speed limits established by counties and municipalities.

- (1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act.
- (2) Each speed limit shall be established in accordance with the provisions of Subsections 41-6a-602(1), (2), (3), and (5).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-604 Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.

- (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303.
- (2)
 - (a) A violation of Subsection (1) is a class C misdemeanor and the minimum fine:
 - (i) for a first offense shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50
	30 - 39 MPH		\$ 125
	40 MPH and greater		\$ 125

- (ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

	Vehicle Speed	Minimum Fine	
	21 - 29 MPH		\$ 50
	30 - 39 MPH		\$ 225
	40 MPH and greater		\$ 525

- (b)
- (i) Except as provided under Subsection (2)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.
 - (ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:
 - (A) first offense with a vehicle speed of 30 miles per hour or more; or
 - (B) second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.
- (3) The Driver License Division shall develop and implement a record system to distinguish:
- (a) a conviction or bail forfeiture under this section from other convictions; and
 - (b) between a first and subsequent conviction or bail forfeiture under this section.
- (4) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-604.5 Speeding in a school zone complaint procedure.

- (1)
- (a) A school crossing guard who observes an operator of a vehicle violating Section 41-6a-604 may prepare a report of the alleged violation, in a manner specified by the law enforcement agency with jurisdiction, for the law enforcement agency no more than two working days after the alleged violation occurred.
 - (b) The report under Subsection (1)(a) shall contain:
 - (i) the date, time, and location of the violation;
 - (ii) the license plate number and state;
 - (iii) a description of the offending vehicle;
 - (iv) as much as practical, a description of the operator of the offending vehicle;
 - (v) a description of the incident involving the violation;
 - (vi) information on how to contact the school crossing guard who witnessed the offense; and
 - (vii) the signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.
- (2)
- (a) Upon receiving a report in accordance with Subsection (1), the law enforcement agency shall promptly send a notification letter to the last-known registered owner of the vehicle.
 - (b) The notification letter shall include:
 - (i) the applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced speed school zone in violation of state law;
 - (ii) a complete explanation of the applicable provisions of Section 41-6a-604; and

- (iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
- (c) A law enforcement agency shall make reporting forms for a report under Subsection (1) available:
 - (i) to a school crossing guard; and
 - (ii) in school administrative offices.
- (3) A law enforcement agency that receives a report under Subsection (1) may have a peace officer initiate an investigation of the reported violation.

Enacted by Chapter 124, 2009 General Session

41-6a-605 Minimum speed regulations.

- (1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:
 - (a) a reduced speed is necessary for safe operation;
 - (b) upon a grade; or
 - (c) in compliance with a traffic-control device.
- (2) Operating a motor vehicle on a limited access highway at less than the speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane is evidence of a violation of Subsection (1).
- (3)
 - (a) If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the highway authority may post a minimum speed limit.
 - (b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:
 - (i) when necessary for safe operation; or
 - (ii) in accordance with Section 41-6a-205.
 - (c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-606 Speed contest or exhibition on highway -- Barricade or obstruction.

- (1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a highway.
- (2) A person may not, in any manner, obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).
- (3) A person who violates Subsection (1) is guilty of a class B misdemeanor.
- (4)
 - (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1) shall have the person's driver license suspended under Subsection 53-3-220(1)(a)(xvi) for a period of:
 - (i) 60 days for a first offense; and
 - (ii) 90 days for a second offense within three years of a prior offense.

- (b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 168, 2006 General Session

41-6a-607 Speed violation -- Complaint -- Civil negligence.

- (1) For a charge of violation of a speed provision under this part, the citation or information shall specify the:
 - (a) speed at which the defendant is alleged to have operated a vehicle; and
 - (b) speed limit applicable to the section of the highway where the violation is alleged to have occurred.
- (2) The provisions of this part declaring prima facie speed limitations do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-608 Photo radar -- Restrictions on use.

- (1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.
- (2) Photo radar may not be used except:
 - (a)
 - (i) in school zones; or
 - (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
 - (b) when a peace officer is present with the photo radar unit;
 - (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
 - (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
 - (e) when the citation is accompanied by the photograph produced by photo radar.
- (3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
- (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
- (5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
 - (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
 - (b) the total fine revenue generated by using photo radar;
 - (c) the number of citations issued by the use of photo radar; and
 - (d) the amount paid to the person providing the photo radar unit.
- (6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-609 Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.

- (1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (2)
 - (a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.
 - (b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.
- (3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the arrest or citation.
- (4) This section does not apply to law enforcement personnel acting in their official capacity.
- (5) A person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session